

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

In re:

DEAN A. BRINK  
JULIE M. BRINK,  
Debtors

GENE ANDERSON and  
HAWKEYE STAR FARMS, INC.,  
Plaintiffs

v.

DEAN A. BRINK  
JULIE M. BRINK,  
Defendants

CHAPTER 7  
Case No.

L91-00101D

Adversary Proceeding No.  
L-91-0067-D

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA  
JAN 21 1992  
BARBARA A. EVERLY CLERK

**JUDGMENT**

The issues of this proceeding having been duly considered by the Honorable MICHAEL J. MELLOY, United States Bankruptcy Judge, and a decision having been reached without trial or hearing,

**IT IS ORDERED AND ADJUDGED:** The stipulation of agreement is approved. Judgment is entered in favor of the plaintiffs and against the defendants in the sum of \$25,000 as set forth in the stipulation of agreement.

**IT IS FURTHER ORDERED** that Counts III and IV are dismissed.



[Seal of the U.S. Bankruptcy Court]  
Date of Issuance: January 21, 1992  
mg

BARBARA A. EVERLY  
Clerk of Bankruptcy Court

By: *Michael A. Galley*  
Deputy Clerk

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FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

JAN 21 1992

IN RE:

Chapter 7  
BANKRUPTCY NO. BARBARA A. EVERLY, CLERK

DEAN A. BRINK and  
JULIE M. BRINK,

L-91-00101D

Debtors.

-----  
GENE ANDERSON and  
HAWKEYE STAR FARMS, INC.,

ADVERSARY NO.

L-91-0067D

Plaintiffs,

v.

DEAN A. BRINK and  
JULIE M. BRINK,

Defendants.

**ORDER DISMISSING COUNTS III AND IV**

The parties have filed a stipulation of settlement and motion to dismiss Counts III and IV of the adversary complaint. The Court, having reviewed the documents, finds that the settlement should be approved and Counts III and IV dismissed.

IT IS THEREFORE ORDERED that the stipulation of agreement is approved. Judgment shall enter in favor of the plaintiff and against the defendant in the sum of \$25,000 as set forth in the stipulation of agreement.

IT IS FURTHER ORDERED that Counts III and IV are dismissed.

DONE AND ORDERED this 17<sup>th</sup> day of January, 1992.

  
\_\_\_\_\_  
MICHAEL J. MELLOTT  
Chief Bankruptcy Judge

Copies to: (w/judgment)  
Steven K. Daniels,  
Atty for Plaintiff;  
Francis W. Henkels,  
Atty for Defendant;  
U.S. Trustee;  
this January 21, 1992  
*Mason A. Golay*  
Deputy Clerk  
P.O. Box 74890  
Cedar Rapids, Iowa 52407

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

JAN 31 1992

BARBARA A. EVERLY CLERK

IN RE:	)	
	)	
DEAN A. BRINK and	)	BANKRUPTCY NO. L-91-00101D
JULIE M. BRINK,	)	
	)	
Debtors,	)	ADVERSARY NO. L-91-0067D
	)	
<hr/>	)	
GENE ANDERSON and	)	
HAWKEYE STAR FARMS, INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	MOTION TO ALTER OR AMEND
	)	JUDGMENT AND REQUEST FOR
DEAN A. BRINK and	)	TELEPHONIC HEARING
JULIE M. BRINK,	)	
	)	
Defendants.	)	

COMES NOW the Plaintiff, Gene Anderson and Hawkeye Star Farms, Inc., and pursuant to Bankruptcy Rules 9023 and 9024 hereby moves to alter or amend the Judgment as filed by the Bankruptcy Court as follows:

1. On or about October 31, 1991, the above-entitled matter was settled between the parties.
2. Pursuant to that settlement, a Stipulation of Agreement was prepared and sent to counsel for the Defendants on or about November 8, 1991.
3. That the Plaintiff moved to dismiss Counts III and IV of the Petition and requested approval of the settlement of the Complaint by Motion dated November 26, 1991.
4. That attached to said Motion was an unsigned Stipulation.

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5. That counsel for the Plaintiff informed the Clerk by letter that a signed Stipulation would be filed once it was received.

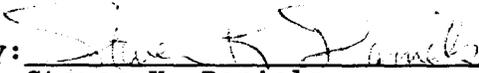
6. That counsel for the Plaintiff continued to call and write counsel for the Defendants regarding the execution of said Stipulation.

7. That counsel for the Plaintiff has still not received a signed Stipulation from the Defendants.

8. That counsel for the Plaintiff desires that the signed Stipulation become a part of the record in this case.

WHEREFORE, Plaintiff respectfully requests that said Judgment be altered or amended to order Defendants, Dean A. Brink and Julie M. Brink, to execute said Stipulation or show cause why they have not signed the Stipulation as agreed, and that the Court enter the appropriate sanctions if the Stipulation is not signed. Further, Plaintiff respectfully requests that the bankruptcy file not be closed until the signed Stipulation is filed.

DUTTON, BRAUN, STAACK, HELLMAN  
& IVERSEN  
Attorneys for Plaintiff

By: 

Steven K. Daniels  
3151 Brockway Rd., P.O. Box 810  
Waterloo, Iowa 50704  
(319) 234-4471

CERTIFICATE OF SERVICE

I, Steven K. Daniels, hereby certify that a true and correct copy of the foregoing Motion to Alter or Amend Judgment and Request for Telephonic Hearing has been served by pre-paid regular U.S. Mail, upon the following parties in interest on the 30th day of January, 1992:

Francis William Henkels  
P.O. Box 741  
Dubuque, Iowa 52004

Victor V. Sprengelmeyer  
814 Cycare Plaza  
Dubuque, Iowa 52001

U.S. Trustee  
425 2nd Street SE  
Suite 675, Box 47  
Cedar Rapids, Iowa 52401

  
\_\_\_\_\_  
Steven K. Daniels

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

MAR 24 1992

BARBARA A. EVERLY CLERK

IN RE: )  
 )  
DEAN A. BRINK and )  
JULIE M. BRINK, )  
 )  
Debtors, )  
 )  
----- )  
GENE ANDERSON and )  
HAWKEYE STAR FARMS, INC., )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
DEAN A. BRINK and )  
JULIE M. BRINK, )  
 )  
Defendants. )

BANKRUPTCY NO. L-91-00101D

ADVERSARY NO. L-91-0067D

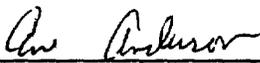
STIPULATION OF AGREEMENT  
TO SETTLEMENT AND APPLICATION  
FOR APPROVAL OF SETTLEMENT

COME NOW the parties to the above-entitled cause of action and agree that the statements and terms contained in this Stipulation are true and correct, and hereby request Court approval of the terms of said Stipulation of Agreement to Settlement, said terms which are set forth as follows:

1. The Debtors, Dean A. Brink and Julie M. Brink, shall pay Gene Anderson and Hawkeye Star Farms, Inc. \$25,000.00. This \$25,000.00 amount is nondischargeable under the provisions of 11 U.S.C. Sections 523(a)(6), 523(a)(4) and 523(a)(7). This amount shall be paid in installments of \$175.00 per month beginning April 1, 1992, and payable monthly thereafter until the full amount due and owing is paid in full. If any of these monthly

payments are not paid on time, the Plaintiffs, Gene Anderson and Hawkeye Star Farms, Inc., shall have the option of attempting to collect the total amount due and owing by any means available under the law.

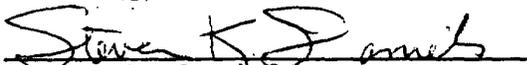
2. The parties further stipulate and agree that the claims advanced by Plaintiff under Counts III and IV be dismissed. The parties acknowledge that an Application to Dismiss must be filed with the Bankruptcy Court and notice of said Application must be given to the Bankruptcy Trustee and the United States Trustee, and that said dismissal will be allowed only if said Bankruptcy Trustee or U.S. Trustee fail to object to said Application within the time period allowed by the United States Bankruptcy Court or consent to said dismissal. The parties agree that the terms and provisions of this Stipulation are contingent upon the failure of the Bankruptcy Trustee and the United States Trustee to object to the Application to Dismiss Counts III and IV.

  
\_\_\_\_\_  
Gene Anderson

HAWKEYE STAR FARMS, INC.

By:   
\_\_\_\_\_  
Gene Anderson

MOSIER, THOMAS, BEATTY, DUTTON,  
BRAUN & STAACK  
Attorneys for Plaintiff

  
\_\_\_\_\_  
Steven K. Daniels  
3151 Brockway Rd., P.O. Box 810  
Waterloo, Iowa 50704  
(319) 234-4471

Dean A. Brink  
Dean A. Brink

Julie M. Brink  
Julie M. Brink

Francis Wm. Henkels  
Francis Wm. Henkels  
Attorney for Debtors  
491 West 4th Street  
P.O. Box 741  
Dubuque, Iowa 52004-0741  
(319) 556-8552

Copy mailed to  
filing attorney *Daniel*

MAR 24 1992 *by*

UNITED STATES BANKRUPTCY COURT -- NORTHERN DISTRICT OF IOWA  
PROCEEDING MEMO AND ORDER

te: 3-25-92 Chapter 7 Bankr. No. L91-0010LD

RE: GENE ANDERSON et al  
v. DEAN A. BRINK et al Adv. No. L91-0067D

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

MAR 26 1992

BARBARA A. EVERLY, CLERK

PEARANCES: Attorney(s) for Plaintiff(s): Steve Daniels

Attorney(s) for Defendant(s): Tim O'Brien

S. Trustee: \_\_\_\_\_ Other: \_\_\_\_\_

NATURE OF PROCEEDING: \_\_\_\_\_ In Court xx Telephonic  
\_\_\_\_ Trial \_\_\_\_\_ Motion for Summary Judgment  
\_\_\_\_ Status Conference \_\_\_\_\_ Motion to Compel Discovery  
\_\_\_\_ Pretrial Conference xx Other Hearing on Motion to Alter or Amend Judgment

OUTCOME OF PROCEEDING:

\_\_\_\_ The matter having been submitted,  
\_\_\_\_ Having been informed that the matter is settled,  
\_\_\_\_ And findings of fact and conclusions of law having been orally stated,

IT IS ORDERED THAT:

\_\_\_\_ The matter is taken under advisement. Briefs due \_\_\_\_\_

\_\_\_\_ Settlement documents are to be submitted within 30 days or the matter will be dismissed pursuant to Local Rule 13(D).

X JUDGMENT is entered as follows pursuant to Fed.R.Bankr.P. 9021.  
\_\_\_\_ (Other)

*Judgment of 1/21/92 includes the stipulation filed 3/24/92.*

Copy to Steve Daniels  
Tim O'Brien  
U.S. Trustee  
this March 26, 1992 mg

SO ORDERED:

Barbara A. Everly  
U. S. Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

FILED  
U.S. BANKRUPTCY COURT & C.  
NORTHERN DISTRICT OF IOWA

JAN 17 1992

IN RE:

TERRY L. OUDEKERK and )  
LORETTA OUDEKERK, )  
 )  
Debtors. )

chapter 12 )  
BARBARA A. EVERLY, CLERK )  
Bankruptcy No. X91-01221M )

-----  
MANUFACTURERS BANK & TRUST )  
COMPANY, )

Plaintiff, )

Adversary No. X91-0199M )

vs. )

TERRY L. OUDEKERK, )

Defendant. )

JUDGMENT

The issues of this proceeding having been duly considered by the Honorable William L. Edmonds, United States Bankruptcy Judge, and a decision having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED that default is hereby entered against the Defendant/Debtor, Terry L. Oudekerk.

IT IS FURTHER ORDERED AND ADJUDGED that the debt of Terry L. Oudekerk to Manufacturers Bank & Trust Company in the sum of \$9,900.00 as Conservator for Kelly Eleanor Hanson; in the sum of \$22,030.00 as Conservator for Dana Ray Oudekerk; and in the sum of \$24,775.00 as Conservator for Ryan Scott Oudekerk is hereby determined to be nondischargeable.

IT IS FURTHER ORDERED AND ADJUDGED that Manufacturers Bank & Trust Company as Conservator for Kelly Eleanor Hanson shall have judgment against Terry L. Oudekerk in the amount of \$9,900.00 together with interest at the rate of 8.25% per annum from and after December 13, 1988.

IT IS FURTHER ORDERED AND ADJUDGED that Manufacturers Bank & Trust Company as Conservator for Dana Ray Oudekerk shall have judgment against Terry L. Oudekerk in the amount of \$22,030.00 together with interest at the rate of 8.25% per annum from and after December 13, 1988.

IT IS FURTHER ORDERED AND ADJUDGED that Manufacturers Bank & Trust Company as Conservator for Ryan Scott Oudekerk shall have judgment against Terry L. Oudekerk in the amount of \$24,775.00 together with interest at the rate of 8.25% per annum from and after December 13, 1988.



Barbara A. Everly  
Clerk of Bankruptcy Court

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[Seal of the U. S. Bankruptcy Court]

Date of Issuance: 1-17-92 By: Louis Slagk  
Copies mailed with order on 1-17-92.

FILED  
U.S. BANKRUPTCY COURT S.C.  
NORTHERN DISTRICT OF IOWA  
JAN 17 1992

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
NORTHERN DISTRICT OF IOWA

BARBARA A. EVERLY, CLERK

IN RE:	)	
	)	CHAPTER 7
TERRY L. OUDEKERK and	)	BANKRUPTCY NO.X-91-01221-M
LORETTA OUDEKERK,	)	
Husband and Wife,	)	ADVERSARY PROCEEDING
	)	No. X91-0199M
Debtors.	)	
<hr/>		
MANUFACTURERS BANK & TRUST	)	
COMPANY, Forest City, Iowa,	)	
	)	ORDER GRANTING DEFAULT
Plaintiff,	)	AND JUDGMENT
vs.	)	
TERRY L. OUDEKERK,	)	
	)	
Defendant.	)	

ON THIS 17<sup>th</sup> day of January, 1992, the above entitled cause came before the Court pursuant to Plaintiff's Motion for Default being submitted to the Court by Plaintiff's counsel, David J. Siegrist. The Court having examined the records and files finds that no one has answered or appeared on behalf of the Defendant/Debtor, Terry Oudekerk. The file reflects that copies of the Summons and Notice, together with a copy of the Complaint to Determine Dischargeability of Debt, with proof of service thereon, were mailed to the Debtor at the address shown on the Petition and to the Debtor's attorney at the attorney's post office address pursuant to Bankruptcy Rule 7004(b)(9) on September 23, 1991.

The Court now finds that the Defendant/Debtor, Terry L. Oudekerk, is in default pursuant to Bankruptcy Rule 7055 and Rule 55 of the Federal Rules of Civil Procedure and that Plaintiff/Creditor's Motion for Default should be sustained.

IT IS THEREFORE ORDERED that default is hereby entered against the Defendant/Debtor, Terry L. Oudekerk.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the debt of Terry L. Oudekerk to Manufactures Bank & Trust Company in the sum of Nine Thousand Nine Hundred Dollars (\$9,900.00) as Conservator for Kelly Elen<sup>a</sup>or Hanson, in the sum of Twenty-two Thousand Thirty Dollars (\$22,030.00) as Conservator for Dana Ray Oudekerk, and in the sum of Twenty-four Thousand Seven Hundred Seventy-five Dollars (\$24,775.00) as Conservator for Ryan Scott Oudekerk is hereby determined to be nondischargeable.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Manufacturers Bank & Trust Company as Conservator for Kelly Elen<sup>a</sup>or Hanson, shall have judgment against Terry L. Oudekerk in the amount of Nine Thousand Nine Hundred (\$9,900.00) together with interest at the rate of 8.25% per annum from and after December 13, 1988.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Manufacturers Bank & Trust Company as Conservator for Dana Ray Oudekerk, shall have judgment against Terry L. Oudekerk in the amount of Twenty-two Thousand Thirty Dollars (\$22,030.00) together with interest at the rate of 8.25% per annum from and after December 13, 1988.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Manufacturers Bank & Trust Company as Conservator for Ryan Scott Oudekerk, shall have judgment against Terry L. Oudekerk in the amount of Twenty-four Thousand Seven Hundred Seventy-five Dollars

(\$24,775.00) together with interest at the rate of 8.25% per annum from and after December 13, 1988.

The Court hereby expressly retains jurisdiction of the parties and of the subject matter herein for the purpose of making such further orders, judgments and decrees as may be just and proper and as may be necessary or required in the premises.

DATED this 17<sup>th</sup> day of January, 1992

  
\_\_\_\_\_  
JUDGE OF THE U.S. BANKRUPTCY  
COURT FOR THE NORTHERN  
DISTRICT OF IOWA

I certify that on 1/17/92 copies of this order and judgment were sent by U. S. mail to David J. Siegrist, William J. McNertney and U. S. Trustee. *B*